

## REMARKS

The Office Action dated October 29, 2009 has been received and considered. In this response, claims 6, 15, and 17 have been amended, and claims 19-23 were added. The amendments to the claims do not narrow the scope of the claims and support for the amendments may be found in the specification and drawings as originally filed. Support for claims 19-23 can be found in paragraphs [0044], [0047], [0049], [0050], [0051], [0056], [0058], and [0059] of the application as originally filed. Reconsideration of the outstanding rejections in the present application is respectfully requested based on the following remarks.

### **35 U.S.C. § 101 Rejection**

Claim 17 was rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. Claim 17 has been amended to recite a computer-readable non-transitory recording medium consistent with the Office's remarks.

### **35 U.S.C. § 103(a) Rejections**

Claims 6 and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Morohoshi (US Patent 7,206,496), Noda (US Patent 7,003,711) and Dobbek (US Patent 6,219,198). Claim 17 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Morohoshi and Noda. These rejections are hereby respectfully traversed with amendment.

Claims 6, 15, and 17 have been amended to recite determining one of the respective data blocks at which the time required to move the head to is the shortest, and that the one of the respective data blocks is to be read next in chronological sequence, based on the present location of the head, which has been estimated by the head position estimating means, and the chronological sequential positions and locations of the respective data blocks, which have been calculated by the data position calculating means. The Office asserts that col. 4, lines 20-22 of Morohoshi discloses "the chronological sequential positions of the other data blocks existing sequentially before and sequentially after the data block are calculated in order to determine whether the present position of the pointer Pt is within the range of the current block." *Office Action*, p. 4. Applicants respectfully disagree.

Morohoshi discloses that if the pointer is within the range of the block B(n) and restart is performed from this position, not all data in this block B(n) can be played back. *Morohoshi*, col.

4, lines 20-23. This section of Morohoshi does not calculate the position of other data blocks to determine whether the present position of the pointer Pt is within the range of the current block. However, Morohoshi does disclose “when the data is fixed-length-compressed data, the control system 10 calculates the present position of the read start point Pt from the total of data lengths read out from the file 20 and the known block size.” *Morohoshi*, col. 3, lines 48-52. Thus, Morohoshi uses data lengths read out from the file and not chronological sequential positions of the other data blocks existing sequentially before and sequentially after the data block to determine a position of the pointer Pt. Noda discloses determining a position of an access destination and velocity curve information that allows the head to reach the target position within a shortest period. Dobbek discloses a direct access storage device servo control system including a servo controller that makes an estimate of disk actuator arm position and velocity as for a regular, expected PES signal sample time, and then alters the estimate for an odd sample time using a simplified estimation function. Thus, Noda and Dobbek fail to overcome the deficiencies of Morohoshi.

In view of the foregoing, Applicants respectfully submit that the Office Action fails to establish that Morohoshi, Noda and Dobbek disclose or suggest, alone or in combination, each and every limitation of claims 6 and 15. Applicants respectfully submit that the Office Action fails to establish that Morohoshi and Noda disclose or suggest, alone or in combination, each and every limitation of claim 17. Applicants respectfully submit that the obviousness rejection of claims 6, 15, and 17 is improper at this time and withdrawal of this rejection therefore is respectfully requested.

### **Conclusion**

Applicant respectfully submits that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

Applicant believes no additional fees are due. Even though a fourth independent claim was added, Applicants originally paid for seven independent claims. However, if the Commissioner believes additional fees are due, the Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account Number 50-2587.

Respectfully submitted,

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Date